



**Michigan Supreme Court
State Court Administrative Office**

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John D. Ferry, Jr., State Court Administrator

DATE: August 6, 2003

TO: Chief Judges
cc: Court Administrators, Registers, Clerks, and Friends of the Court

FROM: John D. Ferry, Jr.

SUBJ: SCAO Administrative Memorandum 2003-08
Public Acts 70-79, 95-102, and 138; Filing Fee Increases, Friend of the Court Service Fee Increase, Civil Infraction Assessments, Minimum Costs, Conditions of Probation and Parole, and Priority of Payment

2003 Public Acts 70-79, 95-102, and 138 take effect October 1, 2003, and amend the laws affecting court filing fees, civil infraction assessments, minimum costs for misdemeanor and felony convictions, conditions of probation and parole, and priority of payment. This memorandum focuses on the provisions in the acts which will be of interest to courts.

A. Filing Fee Increases

1. Supreme Court [MCL 600.244]

- a.** Application for leave to appeal: increase from \$250 to \$375.
- b.** Original proceeding: increase from \$250 to \$375.

These fees previously appeared only in court rule, and are codified here for the first time.

2. Court of Appeals [MCL 600.321]

- a.** Appeal as of right, an application for leave to appeal, or an original proceeding: increase from \$250 to \$375.

- b. Upon filing any motion, except a motion for immediate consideration or a motion to expedite appeal upon the motion docket: increase from \$75 to \$100.
- c. Upon filing a motion for immediate consideration or a motion to expedite appeal upon the motion docket: increase from \$150 to \$200.

3. Circuit Court [MCL 600.1027, 600.2529]

- a. To commence an ancillary guardianship or limited guardianship proceeding in the Family Division: increase from \$50 to \$150.
- b. To commence a civil action, other than an action brought exclusively under sections 600.2950, 600.2950a (PPOs), 600.2950h to 600.2950m (foreign PPOs), an application for superintending control, or for an extraordinary writ: increase from \$100 to \$150.
- c. A claim of appeal or motion for leave to appeal from the district court, probate court, municipal court, or an administrative tribunal or agency: increase from \$100 to \$150.
- d. Beginning October 1, 2003, \$31 of each of these fees shall be transmitted to the county treasurer, and the balance to the state treasurer for deposit in the Civil Filing Fee Fund created in MCL 600.171.

4. Friend of the Court [MCL 600.2538]

Beginning October 1, 2003, increase the fee from \$1.25 to \$1.50 per month for every person required to make payments of support or maintenance for every month or portion of a month that support or maintenance is required to be paid.

The \$.25 increase shall be transmitted to the state treasurer for deposit in the Attorney General Operations Fund created in 2003 Public Act 138, MCL 600.2538.

5. Probate Court [MCL 600.880, 600.880a, 600.880b]

- a. To commence a civil action or proceeding: increase from \$100 to \$150. Beginning October 1, 2003, this fee shall be deposited monthly into the Civil Filing Fee Fund created in MCL 600.171.
- b. To commence a guardianship or limited guardianship proceeding: increase from \$50 to \$150. Beginning October 1, 2003, this fee shall be deposited monthly into the Civil Filing Fee Fund created in MCL 600.171.

- c. For a motion, petition, account, objection or claim: increase from \$15 to \$20.
- 6. District Court [MCL 600.5756, 600.8371, 600.8420]**
- a. A complaint for recovery of possession of premises only: increase from \$32 to \$45.
 - b. To commence a civil action if the amount in controversy
 - 1) Does not exceed \$600: increase from \$17 to \$25.
 - 2) Exceeds \$600, but does not exceed \$1,750: increase from \$32 to \$45.
 - 3) Exceeds \$1,750 but does not exceed \$10,000: increase from \$52 to \$65.
 - 4) Exceeds \$10,000: increase from \$100 to \$150.
 - 5) Fees shall be waived or suspended if the person is receiving public assistance or is determined by the court to be indigent.
 - c. A supplemental filing fee for a claim for money damages is required in the same amount as required under section 600.8371(2-5) (item 6.b. 1-4, above) when joined with a claim for relief other than money damages, such as Claim & Delivery.
 - d. A motion fee of \$20 shall be assessed for all motions filed in civil actions, regardless of the amount in controversy. The fee shall be transmitted to the treasurer of the district court funding unit where the action was commenced.
 - e. To commence a small claims action if the amount in controversy
 - 1) Does not exceed \$600: increase from \$17 to \$25.
 - 2) Exceeds \$600, but does not exceed \$1,750: increase from \$32 to \$45.
 - 3) Exceeds \$1,750: increase from \$32 to \$65.
 - f. Beginning October 1, 2003, when a filing fee amount is:
 - 1) \$25; \$11 shall be transmitted to the treasurer of the district funding unit, of which not less than \$5 shall be used to fund the operation of the district court. \$14 shall be transmitted to the state treasurer for deposit in the Civil Filing Fee Fund created in MCL 600.171.
 - 2) \$45; \$17 shall be transmitted to the treasurer of the district funding unit, of which not less than \$5 shall be used to fund the operation of the district court. \$28 shall be transmitted to the state treasurer for deposit in the Civil Filing Fee Fund created in MCL 600.171.
 - 3) \$65; \$23 shall be transmitted to the treasurer of the district funding unit, of which not less than \$5 shall be used to fund the operation of the district court. \$42 shall be transmitted to the state treasurer for deposit in the Civil Filing Fee Fund created in MCL 600.171.

- 4) \$150; \$31 shall be transmitted to the treasurer of the district funding unit, of which not less than \$5 shall be used to fund the operation of the district court. \$119 shall be transmitted to the state treasurer for deposit in the Civil Filing Fee Fund created in MCL 600.171.

B. Forensic Fee [MCL 12.206, 12.207]

1. Assessment

Beginning October 1, 2003, the \$150 Forensic Fee shall not be assessed at sentencing.

2. Collection on Pre-10/1/03 Assessments

Eighty-five percent of every Forensic Fee assessed prior to, and collected on or after October 1, 2003, shall be deposited into the Justice System Fund created in MCL 600.181. There is no change in the distribution of the remaining 15 percent.

C. DNA Sample Assessment [MCL 28.176, 712A.18k, 750.520m]

1. Assessment

Beginning October 1, 2003, the \$60 DNA assessment shall not be assessed at sentencing.

2. Collection on Pre-10/1/03 Assessments

Sixty-five percent of every DNA Sample Assessment ordered prior to and collected on or after October 1, 2003, shall be deposited into the Justice System Fund created in MCL 600.181. There is no change in the distribution of the remaining 35 percent.

D. Felony State Cost; Adults and Juveniles [MCL 712A.18, 712A.18m, 659.1j, 771.3, 791.236]

1. State Minimum Costs

Beginning October 1, 2003, if the court orders a person convicted of an offense, or a juvenile found to be within chapter 712A, to pay any combination of a fine, costs, or applicable assessments, the court shall order state minimum costs of \$60, in addition to the crime victim assessment required under MCL 780.905, and any other costs ordered.

2. Collection of State Minimum Costs from Bond Deposit

The court shall order that the state minimum costs be collected out of a bond or deposit posted in connection with the case pursuant to MCL 780.66 and 780.67.

3. Waiver of Fine or Cost

A fine imposed for a felony violation shall not be waived unless costs, other than the state minimum costs, are waived.

4. Deposit of State Minimum Costs

The state minimum costs shall be deposited monthly into the Justice System Fund created in MCL 600.181.

5. Condition of Probation and/or Parole

Payment of the state minimum costs shall be a condition of probation or parole, and shall be stated in the probation or parole order.

E. Misdemeanor State Cost; Adults and Juveniles [MCL 600.8381, 712A.18, 712A.18m, 771.3]

1. Assessment

Beginning October 1, 2003, the district court shall no longer assess \$9 in state minimum costs on misdemeanors at sentencing.

2. Specified and Serious Misdemeanor

Beginning October 1, 2003, if the court orders a person convicted of an offense, or a juvenile found to be within chapter 712A, to pay any combination of fines and costs for a specified¹ or serious² misdemeanor, the defendant or juvenile shall be ordered to pay state minimum costs of \$45 in addition to the crime victim assessment required under MCL 780.905.

3. Simple Misdemeanor or Ordinance Violation

Beginning October 1, 2003, if the court orders a person convicted of an offense, or a juvenile found to be within chapter 712A, to pay any combination of fines and costs for a misdemeanor or ordinance violation³ that is not a serious or specified misdemeanor, the defendant or juvenile shall be ordered to pay state minimum costs of \$40.

¹ "Specified misdemeanor" means that term as defined in MCL 780.901.

² "Serious misdemeanor" means that term as defined in MCL 780.811.

³ "Ordinance violation" means that term as defined in MCL 761.1.

4. Condition of Probation and/or Parole

Payment of state minimum costs shall be a condition of probation or parole, and shall be stated in the probation or parole order.

5. Collection of State Cost from Bond Deposit

The court shall order that the state minimum cost be collected out of a bond or deposit posted in connection with the case pursuant to MCL 780.66 and 780.67.

6. Waiver of Fine or Costs

A fine imposed for a misdemeanor or ordinance violation shall not be waived unless costs, other than the state minimum costs, are waived.

7. Collection and Deposit of Pre-10/1/03 State Minimum Cost

Beginning October 1, 2003, the state minimum costs of \$9 assessed prior to, and collected on or after, October 1, 2003, shall be deposited into the Justice System Fund.

8. Deposit of Post- 10/1/03 State Minimum Costs

The state minimum costs shall be deposited each month into the Justice System Fund.

F. Civil Infraction Assessments [MCL 257.629e, 257.907, 600.181, 600.8381, 600.8727, 600.8827]

1. Non-traffic State and Municipal Civil Infractions

a. Beginning October 1, 2003, the \$9 state minimum costs shall no longer be assessed on state or municipal civil infractions.

b. Beginning October 1, 2003, in addition to any fine and costs ordered on a non-traffic state or municipal civil infraction, the judge or district court magistrate shall order the defendant or juvenile to pay a justice system assessment of \$10.

2. Traffic Civil Infractions

- a. Beginning October 1, 2003, the \$9 state minimum costs shall no longer be assessed on traffic civil infractions.
- b. Beginning October 1, 2003, the \$5 Michigan Justice Training Fund, the \$5 Highway Safety Fund, the \$5 Jail Reimbursement Fund, and the \$10 Secondary Road Patrol Fund assessments shall no longer be imposed on traffic civil infractions.
- c. Beginning October 1, 2003, in addition to any fines and costs ordered on a traffic civil infraction, the judge or district court magistrate shall order the defendant or juvenile to pay a justice system assessment of \$40, except for a parking violation or a violation for which the total fines and costs imposed are \$10 or less.
- d. A fine imposed for a misdemeanor or ordinance violation shall not be waived unless costs ordered under MCL 257.907 are waived.
- e. Beginning November 1, 2003, the court shall report to the Department of Treasury: (1) the number of Secondary Road Patrol assessments imposed prior to October 1, 2003, under MCL 257.629e and collected on or after October 1, 2003, and (2) the number of **traffic** civil infraction justice system assessments collected each month under MCL 257.907(14). If either of these assessments is collected in partial payments, the court shall report the collection for the month during which the final portion of the assessment is paid.
- f. Beginning October 1, 2003, seat belt violations under MCL 257.710e increase from a mandatory amount of \$50 to \$65, comprised of a mandatory fine and cost of \$25 (MCL 257.907(2)) and a \$40 justice system assessment.

3. Collection and Deposit of Pre-10/1/03 Assessments

Beginning October 1, 2003, the state minimum cost of \$9 on all civil infractions, and the assessments for the Michigan Justice Training Fund, the Highway Safety Fund, the Jail Reimbursement Fund and the Secondary Road Patrol and Training Fund, which were assessed prior to, and collected on or after October 1, 2003, shall be deposited into the Justice System Fund created in MCL 600.181.

4. Deposit of Post- 10/1/03 Assessments

The justice system assessment shall be deposited into the Justice System Fund created in MCL 600.181.

G. Priority of Payment; Adults and Juveniles [MCL 712A.18m, 712A.29, 769.1j, 775.22, 780.766a, 780.794a, 780.826a]

1. Violations of State Law

Allocation of any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding must be applied in the following order:

- a. Fifty percent of all money collected applied to victim payments,⁴
- b. State minimum costs,
- c. Other costs,
- d. Fines,
- e. Probation or parole supervision fees,
- f. Payment of assessments and other payments.

2. Violations of Local Ordinance

Allocation of any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding must be applied in the following order:

- a. Fifty percent of all money collected applied to victim payments,⁴
- b. State minimum costs,
- c. Fines and other costs,
- d. Probation or parole supervision fees,
- e. Payment of assessments and other payments.

H. Civil Filing Fee Fund [MCL 600.171]

Beginning October 1, 2003, the Civil Filing Fee Fund is created in the state treasury. The money in the fund is distributed by the state treasurer to the following funds by a formula established in the statute:

⁴ Victim Payment means restitution to the victim, or the victim's estate, but not to a person who reimbursed the victim for his or her loss, or a Crime Victim assessment ordered under MCL 780.905.

1. State Court Fund created in MCL 600.151a.
2. Court Equity Fund created in MCL 600.151b.
3. Judicial Technology Improvement Fund created in MCL 600.175.
4. Community Dispute Resolution Fund created in MCL 691.1551 to 691.1564.
5. Michigan Judges Retirement System created in MCL 38.2101 to 38.2670.
6. Legislative Retirement System created in MCL 38.1001 to 38.1080.
7. State General Fund.

I. Justice System Fund [MCL 600.181]

Beginning October 1, 2003 the Justice System Fund is created in the state treasury. The money in the fund is distributed by the state treasurer to the following funds by a formula established in the statute:

1. Secondary Road Patrol and Training Fund created in MCL 257.629e.
2. Highway Safety Fund created in MCL 257.629e.
3. Jail Reimbursement Program Fund created in MCL 257.629e.
4. Michigan Justice Training Fund created in MCL 18.425.
5. Legislative Retirement System created in MCL 38.1001 to 38.1080.
6. Drug Treatment Court Fund created in MCL 600.185.
7. State Forensic Laboratory Fund created in MCL 12.203.
8. State Court Fund created in MCL 600.151a.
9. Court Equity Fund created in MCL 600.151b.
10. State Treasurer for monitoring collection and distribution of fund receipts.
11. State Court Administrative Office (SCAO) for management assistance and audit of trial court collections.

J. Judicial Technology Improvement Fund [MCL 600.175]

Beginning October 1, 2003, the Judicial Technology Improvement Fund is created in the state treasury. The SCAO shall administer the fund for development and ongoing support of a statewide judicial information system. Working with the departments of State Police, Corrections, Information Technology, and State, and the Prosecuting Attorneys Association of Michigan, the Supreme Court and the SCAO will develop a statewide telecommunications infrastructure to integrate criminal justice information systems. The fund shall also be used to pursue technology innovations that will result in enhanced public service and access to local trial courts, including, but not limited to, electronic filing, on-line payments of fines and fees, data warehousing, and web-based instructions for completion of court documents.

K. Drug Treatment Court Fund [MCL 600.185]

Beginning October 1, 2003, the Drug Treatment Court Fund is created in the state treasury. The SCAO shall administer the fund for awarding grants for drug treatment court programs throughout the state. Money from the fund may be used in connection with other state, federal, and local funding sources. To be eligible for funding, a drug treatment court must meet both of the following conditions:

1. The court shall be responsible for handling cases involving nonviolent substance abuse offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives.
2. The court shall use all available local and state personnel involved in the disposition of a substance abuse case, including, but not limited to, parole and probation agents, prosecuting attorneys, defense attorneys, and community corrections providers.

L. Community Dispute Resolution Fund [MCL 691.1560]

Beginning October 1, 2003, the Community Dispute Resolution Fund shall receive money from the Civil Filing Fee Fund established in MCL 600.171. Applicants meeting eligibility requirements and guidelines established in MCL 691.1559 shall receive grants allocated by the SCAO as follows:

1. Sixty-five percent of the money from the Civil Filing Fee Fund shall be made available on the basis of the annual civil court filings reported by courts. An eligible applicant shall receive a pro rata share of the available grant funds on the basis of the annual civil court filings reported by courts located in the counties serviced by the applicants.
2. Thirty-five percent of the money from the Civil Filing Fee Fund and any money in the fund derived from other sources shall be made available on the basis of performance measures and threshold funding levels established by the State Court Administrative Office.
3. Each grant recipient shall provide a matching amount equal to at least 35 percent of the awarded grant amount.

M. Transmitting Funds to Treasury

Beginning with the transmittal of money collected in October 2003, all courts must use the revised form for transmitting funds to the Department of Treasury. Treasury will notify the SCAO and local funding units when the revised forms are available. A manual translation from

a case management system report form to the new Treasury form may be necessary if court software programming changes have not been completed to produce the revised Treasury form. Local account numbers for deposit to the local unit of government for the new funds are:

Civil Filing Fee Fund	228.58
Justice System Fund	228.59
Attorney General Fund	228.60

Implementation questions may be directed to the following persons at SCAO:

Circuit Court	Dawn Childress	517-373-3756
Family Division FOC	Steve Capps	517-373-9318
Family Division Juvenile	Carolyn Rose	517-373-8081
District Court	Sandi Hartnell	517-373-0122
Probate Court	Jean Mahjoory	517-373-3769
Transmittal Form/Process	Rebecca Mack	517-373-2342

Cross Reference Table			
2003 Public Act Number	Enrolled Bill Number	Subject of Public Act	Outline Reference
PA 138	HB 4748	Filing Fees & FOC Service Fee Civil Filing Fee Fund	Sections A & H
PA 99	SB 444	Forensic Fee	Section B
PA 76	HB 4745	DNA sample assessment	Section C
PA 77	HB 4746	DNA sample assessment – juvenile	Section C
PA 100	SB 447	DNA sample assessment	Section C
PA 70	HB 4732	State cost on felony & misdemeanor convictions	Sections D & E
PA 71	HB 4733	State cost on felony & misdemeanor convictions State cost as condition of probation – juvenile	Sections D & E
PA 96	SB 435	\$9 minimum cost in district courts. State cost on felony & misdemeanor convictions	Sections D & E
PA 101	SB 448	State cost as condition of probation; felony and misdemeanor	Sections D & E
PA 75	HB 4743	State cost as condition of parole	Section D
PA 95	SB 434	State & Municipal Civil Infraction State Assessment	Section F-1
PA 73	HB 4736	Traffic Civil Infraction State Assessment	Section F-2
PA 74	HB 4741	Priority of payment; state cost on felony & misdemeanor – juvenile orders of disposition	Section G
PA 98	SB 442	Priority of payment; state cost on felony & misdemeanor	Section G
PA 102	SB 449	Priority of payment; state cost on felony & misdemeanor	Section G
PA 97	SB 439	Justice System Fund	Section I
PA 78	HB 4749	Judicial Technology Improvement Fund	Section J
PA 72	HB 4735	Drug Treatment Fund	Section K
PA 79	HB 4750	Community Dispute Resolution Fund	Section L